



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2005

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Denny Luma, President
Superior Aluminum Alloys
P.O. Box 678
14214 Edgerton Road
New Haven, Indiana 46774

Re: Superior Aluminum Alloys
Administrative Order Number EPA-5-05-113(a)-09-IN

Dear Mr. Luma:

The enclosed Order is issued pursuant to Section 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1), for Superior Aluminum Alloys' (Superior) failure to comply with the National Emissions Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

The U.S. EPA legal contact in this matter is Cynthia King. Please contact her at (312) 886-6381 if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brent Marable", with a stylized flourish at the end.

Brent Marable, Chief
Air Enforcement and Compliance Assurance Section (IL/IN)
Air Enforcement and Compliance Assurance Branch

Enclosure

cc: David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management

David L. Hatchett, Esq.
Hatchett & Hauck L.L.P

Brian Winters
Corporate Environmental Manager
Superior Aluminum Alloys

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Superior Aluminum Alloys,)	Administrative Order
LLC,)	
New Haven, Indiana)	EPA-5-05-113(a)-09-IN
)	
Proceeding Under Section)	
113(a)(3) of the Clean Air)	
Act, 42 U.S.C. § 7413(a)(3))	

Administrative Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Superior Aluminum Alloys, LLC (Superior) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U.S.C. § 7412.

3. Under Section 112 of the Act, the Administrator of U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C.F.R. §§ 63.1500 et seq. (Secondary Aluminum Production NESHAP or Subpart RRR).

4. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1511(b), requires that the owner or operator of a new source conduct performance testing within ninety (90) days of the new source's compliance date.

5. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1501(b), provides that any new affected source which starts up after March 24, 2000, must comply with all applicable requirements upon startup.

6. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1512(d), sets forth the performance test and compliance

demonstration requirements for group 1 furnaces with add-on air pollution control devices.

7. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

8. Superior owns and operates a secondary aluminum facility at 14214 Edgerton Road, New Haven, Indiana (the facility).

9. The facility is a major source of hazardous air pollutants (HAPs).

10. The facility is subject to the requirements 40 C.F.R. Part 63 Subpart RRR.

11. Under 40 C.F.R. § 63.1500(b), Furnace #3 is a new affected source and must comply with the applicable requirements of the Subpart RRR NESHAP upon startup.

12. Furnace #3 started operating on September 27, 2004.

13. Under 40 C.F.R. § 63.1511(b), performance testing of Furnace #3 was required on or before December 26, 2004.

14. Under Superior's Significant Source Modification Permit No. 003-19149-00286 issued by the Indiana Department of Environmental Management on September 17, 2004, Superior is required to test Furnace # 3 on or before March 27, 2005.

15. Superior cannot conduct the required performance test by either date due to weather conditions that will impact Superior's ability to properly conduct the required performance test.

16. On November 15, 2004, representatives of Superior requested that it be allowed to delay the test requirements.

Compliance Program

17. By July 30, 2005, Superior must conduct the required performance testing on Furnace # 3 demonstrating compliance with the Subpart RRR NESHAP at the facility.

18. In terms of determining deadlines for all reports (except for the performance test report) and notifications required by the Subpart RRR NESHAP for Furnace #3 which is a new source, July 30, 2005, serves as the compliance deadline.

19. Superior must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604.

General Provisions

20. This Order does not affect Superior's responsibility to comply with other local, state, and federal laws and regulations.

21. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

22. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413.

23. Failure to comply with this Order may subject Superior to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 69 Fed. Reg. 7121 (Feb. 13, 2004) (amending 40 C.F.R. Part 19).

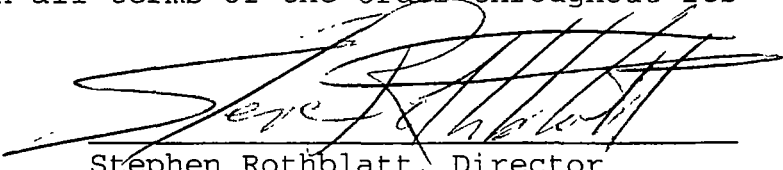
24. The terms of this Order are binding on Superior, its assignees and successors. Superior must give notice of this Order, if still in effect, to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Superior has given the notice.

25. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

26. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

27. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Superior has complied with all terms of the Order throughout its duration.

3/23/05
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Order, EPA Order No. EPA-5-05-113(a)-09-IN, by Certified Mail, Return Receipt Requested, to:

Denny Luma, President
Superior Aluminum Alloys
P.O. Box 678
14214 Edgerton Road
New Haven, Indiana 46774

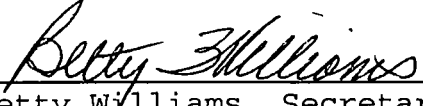
David L. Hatchett, Esq.
Baker and Daniels
300 North Meridian Street
Suite 2700
Indianapolis, Indiana 46204-1782

I also certify that I sent a copy of the Administrative Order, EPA Order No. EPA-5-05-113(a)-09-IN, by First Class Mail to:

David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46206-6015

Brian Winters
Corporate Environmental Manager
Superior Aluminum Alloys
P.O. Box 678
14214 Edgerton Road
New Haven, Indiana 46774

on the 23rd day of March 2005.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589098152
70010320000589096776 - David Hatchett, Esq